

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 9/27/21

Magee,

Plaintiff,

—v—

The Walt Disney Company et al.,

Defendants.

19-cv-10274 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The Court on September 22, 2021, adopted in full Judge Aaron’s report and recommendation to dismiss Mr. Magee’s amended complaint. Dkt. No. 126. On September 23, 2021, Mr. Magee filed “objections” to the Court’s Order, arguing that it is “clearly erroneous.” Dkt. No. 128 at 1–4. Because Mr. Magee is a pro se litigant, the Court liberally construes this filing as a motion for reconsideration pursuant to Local Rule 6.3.

Mr. Magee’s motion fails to identify any controlling legal authority or other considerations previously overlooked by the Court. His motion therefore falls short of the “strict” standard for a motion for reconsideration. *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995) (“[R]econsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court”). “A motion for reconsideration is not an ‘opportunity for making new arguments that could have been previously advanced,’ nor is it a substitute for appeal.” *Peoples v. Fischer*, 898 F. Supp. 2d 618, 624 (S.D.N.Y. 2012) (quoting *Associated Press v. U.S. Dep’t of Def.*, 395 F.Supp.2d 17, 19

(S.D.N.Y.2005).

The Court has issued a final judgment on Mr. Magee's claims. Accordingly, Mr. Magee may, if he wishes, file a notice of appeal and present his arguments to the U.S. Court of Appeals for the Second Circuit. *See* 28 U.S.C. § 1291.

This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, so *in forma pauperis* status is denied. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

This resolves docket number 128.

SO ORDERED.

Dated: September 27, 2021  
New York, New York



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ALISON J. NATHAN  
United States District Judge